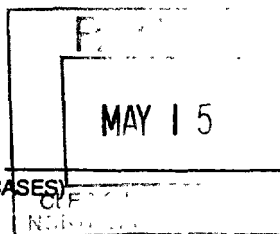


JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

Fonda Duse



DEFENDANTS

Center Operating Company, L.P.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) AT

Ms. Katrina Patrick
Attorney at Law
5177 Richmond Ave., Suite 1275
Houston, Texas 77056

713
796-8218

ATTORNEYS (IF KNOWN)

3-02 CV 1023 H

I. BASIS OF JURISDICTION (Place an "X" in one box only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

BOX ONLY

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for Plaintiff and one box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7809	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 460 Commerce/ICC Rates/etc. <input type="checkbox"/> 480 Deportation <input type="checkbox"/> 490 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 560 Civil Rights <input type="checkbox"/> 555 Prison Condition

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Plaintiff was subjected to race & sex discrimination in violation of Title VII & 1981 as well as common law torts.

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NOIX. RELATED CASE(S) (See instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/10/02

Katrina Patrick

FOR OFFICE USE ONLY

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FONDA DUSE,

Plaintiff,

v.

CENTER OPERATING COMPANY, L.P.

Defendant.

§
§
§
§
§
§
§
§
§
§

15
CLERK, U.S. DISTRICT COURT
By _____
Deputy

C. A. No. _____

3-02CV 1023H

(Jury Trial Demanded)

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Plaintiff, FONDA DUSE, complaining of Defendant, CENTER OPERATING COMPANY, L.P. ("Defendant") and in support thereof would show as follows:

I

JURISDICTION, PARTIES AND VENUE

1. This Court has jurisdiction over the causes of action alleged by Plaintiff pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, its related anti-retaliation regulations, and common law causes of action as pled below.
2. FONDA DUSE ("Plaintiff") is an individual who resides in Harris County, Texas. Plaintiff, black female, is a member of a group protected by Title VII and was at all relevant times an employee within the meaning of the applicable statute. Defendant is a corporation with corporate offices located in Dallas, Dallas County, Texas. Defendant is now conducting

business (and has continuously been conducting business) in the State of Texas. Defendant has continuously had more than 15 employees at all times relevant to these causes of action. Defendant may be served with process by serving its registered agent, Brad Mayne, 1845 Woodall Rodgers Freeway, Suite 1700, Dallas, Texas 75201.

3. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g) and (h).
4. The unlawful employment practices asserted in this complaint herein wholly or partly arose in the Northern District of Texas, Dallas Division. Venue is appropriate in this Court.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. Plaintiff Fonda Duse filed a Charge of Discrimination with the U. S. Equal Employment Opportunity Commission on or about May 1, 2001. A copy of the charge is attached hereto as Exhibit "A" and incorporated by reference. In that Charge, No. 310 A1 1934, Plaintiff asserted that she was discriminated against because of her race (African-American) and gender (female) in violation of Title VII of the Civil Rights Act of 1964, as amended, and was retaliated against because she engaged in protected activity contrary to Title VII's anti-retaliation provisions.
6. The U. S. Equal Employment Opportunity Commission issued a Right to Sue Notice authorizing this lawsuit. A copy of the Right to Sue Notice is attached hereto as Exhibit "B" and is incorporated herein by reference. Plaintiff has exhausted her administrative remedies

and files this suit within the statutory limitations period.

III. FACTUAL BACKGROUND

7. Fonda Duse began her employment with Defendant on or about December 4, 2000 as a Human Resources Generalist. During those relevant dates made the basis of this suit, she worked under the supervision of Colette Vallot.
8. Plaintiff was subjected to a racially hostile and offensive work environment, which consisted of unfavorable, differential treatment of African-American employees compared to their Anglo-American counterparts.
9. Plaintiff and other African-American employees informed management that they were not treated the same as other Anglo-American coworkers.
10. Specifically, Plaintiff and other African-American employees voiced opposition to management of selective policy enforcement (ie. pay and benefits) which favored Anglo-American employees over African-American employees.
11. Plaintiff was subjected to a hostile and offensive work environment, which consisted of constant humiliation, stereotyping, and differential treatment lodged because of sex -- female.
12. Specifically, Plaintiff was subjected to several instances of lewd gestures and comments of a sexual nature. When Plaintiff protested such sexual misconduct, she was then ostracized and mistreated.
13. On March 4, 2001, Plaintiff made a written complaint to Executive Vice President Craig Courson regarding such discriminatory treatment and selective enforcement of company policies.

14. Consequently, Plaintiff was terminated on March 8, 2001.
15. The effect of the practices complained of in paragraphs 7-15, above, has been to deprive Plaintiff and other African-Americans and women of equal employment opportunities, to punish those persons who oppose such illegal violations, and otherwise adversely affect their status as employees, because of their race and sex.

IV. CAUSES OF ACTION

A. Race Discrimination

16. Plaintiff repeats and realleges by reference each and every allegation contained in paragraphs 7 through 15 and incorporate the same herein as though fully set forth.
17. Defendant, through its agents, supervisors, or employees, engaged in a pattern and practice of unlawful race discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.
18. The above-described racially disparate treatment created an intimidating, oppressive, hostile and offensive work environment, which interfered with Plaintiff's emotional and physical well-being.
19. Defendant violated Title VII by failing to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of its managers as described in paragraphs 7 through 15.
20. As a direct and proximate result of Defendant's willful, knowing and intentional discrimination against Plaintiff through its agents, supervisors, or employees, Plaintiff has suffered adverse employment actions or decisions including, but not limited to her termination.

21. As a direct and proximate result of Defendant's willful, knowing and intentional discrimination against Plaintiff through its agents, supervisors, or employees, Plaintiff has suffered and will continue pain and suffering, and extreme and severe mental anguish and emotional distress; and Plaintiff has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.
22. As a further direct and proximate result of Defendant's violation of Title VII, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendant, and have thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to Title VII.

B. Sex Discrimination

23. Plaintiff repeats and realleges by reference each and every allegation contained in paragraphs 7 through 15 and incorporates the same herein as though fully set forth.
24. Defendant, through its agents, supervisors, or employees, engaged in a pattern and practice of unlawful sex discrimination by subjecting Plaintiff to differential treatment because of her sex, in violation of Title VII of the Civil Rights Act of 1964, as amended.
25. The above-described discrimination based on sex created an intimidating, oppressive, hostile and overtly offensive work environment, which interfered with Plaintiff's emotional and physical well-being.

26. Defendant, at all times relevant hereto had actual and constructive knowledge of the conduct described in the paragraphs above in large part because of the extraordinary efforts to inform management and oppose such illegal behavior and because of the open and obvious nature of the misconduct.
27. As a result of the hostile and offensive work environment perpetrated by Defendant, through its agents, supervisors, or employees and maintained by Defendant's failure to protect Plaintiff from further discrimination, Plaintiff suffered severe emotional distress and physical injury.
28. Defendant violated Title VII by failing to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and omissions as described in the paragraphs above.
29. Defendant failed to comply with its statutory duty to promptly take all reasonable and necessary steps to eliminate discrimination from the workplace and to prevent it from occurring in the future.
30. As a direct and proximate result of Defendant's willful, knowing and intentional discrimination against Plaintiff through its agents, supervisors, or employees, Plaintiff has suffered and will continue to suffer pain and extreme and severe mental anguish and emotional distress; and she has suffered and will continue to suffer a loss of earnings and/or other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.
31. As a further direct and proximate result of Defendant's violation of Title VII, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendant, and has

thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to Title VII.

32. The unlawful employment practices of which Plaintiff complains in the preceding paragraphs were intentional.

C. Section 1981 Violation

33. Plaintiff repeats and re-alleges by reference each and every allegation contained in Paragraphs 7 through 15 and incorporate the same herein as though fully set forth.
34. Defendant, through its agents, supervisors, or employees, violated Plaintiff's civil rights in violation of 42 U.S.C. 1981, by intentionally interfering with Plaintiff's performance of her employment because of her race.
35. This intentional interference consisted of discrimination of a continuous nature until Plaintiff was forced to resign.
36. Defendant, through its agents, supervisors, or employees, discriminated against Plaintiff which led to the loss and impairment in whole or part, of the wages, benefits, promotions, privileges, and terms and conditions of Plaintiff's employment.
37. The above-described acts on Defendant's part caused Plaintiff substantial injury and damage.

D. Retaliation

38. Plaintiff repeats and re-alleges the allegations contained in paragraphs 7 through 15 and incorporates the same by reference as though fully set forth herein.

39. After complaining to management of maltreatment of employees, including herself, based on race and sex, Plaintiff was subsequently and repeatedly harangued and ultimately terminated.
40. As herein alleged, Defendant illegally retaliated against Plaintiff by subjecting Plaintiff to unjust harassment solely because she opposed the race and sex-based maltreatment of herself and other employees to management. Defendant had no legitimate business reasons for any of such acts. Each act of retaliation is in violation of Title VII and Section 1981 provisions.
41. As a direct and proximate result of Defendant's willful, knowing and intentional discrimination and retaliation against her, Plaintiff has suffered and will continue to suffer pain and suffering, and extreme and severe mental anguish and emotional distress. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.
42. The above-described acts on Defendant's part were undertaken in violation of Title VII, Section 1981 and proximately caused Plaintiff substantial injuries and damages.
- F. Negligent Retention And Negligent Supervision**
43. Plaintiff repeats and re-alleges by reference each and every allegation contained in Paragraphs 7 through 15 and incorporates the same herein as though fully set forth.
44. Defendant breached its duty of reasonable care with regard to retaining agents, supervisors, or employees in positions where such agents, supervisors, or employees violate federal law, particularly Title VII and its related regulations prohibiting discrimination, retaliation and the common law causes of action pled herein.
45. Beginning early on and continuing thereafter, Defendant knew, or reasonably should have

known, that it engaged in the unlawful behavior described herein above.

46. A number of lawsuits and charges of discrimination have been filed involving the same or similar management personnel and circumstances.
47. At all times material herein, Defendant knew, or reasonably should have known, that the conduct, acts, and omissions of all supervisors, agents and/or employees as described herein above violated Plaintiff's rights under federal, state and/or municipal statutes, codes and ordinances.
48. At all times material herein, Defendant knew, or reasonably should have known, that the incidents, conduct, acts, and omissions described herein above, would and did proximately result in personal injury and emotional distress to Plaintiff, including, but not limited to, loss of sleep, anxiety, tension, depression, fright and humiliation.
49. At all times material herein Defendant knew, or in the exercise of reasonable care should have known, that unless Defendant intervened to protect Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct, acts, and omissions, of all supervisors, agents or employees as alleged herein above, said conduct, acts, and omissions would continue, thereby subjecting Plaintiff to further personal injury and emotional distress.
50. Defendant knew, or in the exercise of reasonable care should have known, that unless Defendant intervened to protect Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct, acts, and omissions as described herein, Defendant's failure to so protect, supervise, and intervene would have the effect of encouraging, ratifying, condoning, exacerbating, increasing and worsening said conduct,

acts, and omissions.

51. At all times material herein, Defendant had the power, ability, authority, and duty to so intervene, supervise, prohibit, control, regulate, discipline, and/or penalize the conduct of all supervisors, agents or employees as described herein above.
52. Despite said knowledge, power, and duty, Defendant negligently failed to act so as to prevent, supervise, prohibit, control, regulate, discipline, and/or penalize such conduct, acts, and omissions, or to otherwise protect Plaintiff.
53. As a direct and proximate result of the failure of Defendant to protect Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct, acts, and omissions of all supervisors, agents or employees as alleged herein above, said conduct, acts, and omissions were perceived by them as, and in fact had the effect of, ratifying, encouraging, condoning, exacerbating, increasing, and/or worsening said conduct, acts, and omissions.
54. At all times material herein, the failure of Defendant to protect Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct, acts, and omissions of all supervisors, agents or employees violated Plaintiff's rights under federal, state, and municipal statutes, codes and ordinances.
55. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and will continue to suffer pain and suffering, and extreme and severe mental anguish and emotional distress. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.
56. It was at all times relevant and remains foreseeable that such agent, representative and/or

employee of Defendant would be in a position to discriminate against and otherwise cause injury to persons in various employment positions, particularly persons such as Plaintiff, who is a member of a class intended to be protected by federal law. Therein, Defendant breached its duty of care when retaining such managers, and is directly liable for its own negligence in retaining unfit or incompetent supervisors and employees.

**V.
JURY DEMAND**

57. Plaintiff requests that this action be heard before a jury.

**VI.
DAMAGES**

58. Defendant's conduct constitutes violations of statutory and common law. That unlawful conduct seriously affected Plaintiff in her occupation, trade and business. Because of Defendant's unlawful conduct, Plaintiff has suffered, suffers, and will suffer in the future humiliation, mental anxiety and stress, and other damages. Accordingly, Plaintiff seeks all general, special, incidental and consequential damages all in an amount to be proved at trial.
59. Because of Defendant's unlawful and tortious conduct, it has been necessary for Plaintiff to retain the undersigned attorney to represent her in these causes of action. Plaintiff has agreed to pay the attorney reasonable attorney's fees for the preparation and trial of the causes, and further for any appeal thereof should same become necessary.
60. Additionally, Plaintiff has suffered out-of-pocket expenses, which include litigation costs; and other expenses to preserve her ability to earn a living. Accordingly, Plaintiff seeks all general, special, incidental and consequential damages as shall be proven at trial.

61. Further, Plaintiff seeks pre-judgment interest at a rate commensurate with the actual rate of interest in the marketplace or, alternatively, the statutory rate of interest because of the delay in receiving the damages and to avoid unjust enrichment to Defendant. Plaintiff also seeks post-judgment interest at the maximum rate allowed by law in the event that Defendant does not promptly tender damages assessed against it and to avoid unjustly enriching Defendant.

VII.

PRAYER


WHEREFORE, premises considered, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial, Plaintiff has judgment against Defendant for:

- a. Permanent injunction enjoining Defendant, its agents, successors, employees, and those acting in consort with Defendant, from continuing to violate Plaintiff's civil rights.
- b. All damages to which Plaintiff may be entitled pursuant to this Original Complaint, or any amendment(s) thereto, including but not limited to back pay, reinstatement, front pay, statutory relief at law, and equity;
- c. Compensatory damages for pain and mental suffering;
- d. Punitive damages in an amount above the minimum jurisdictional limit of the Court;
- e. Reasonable attorney's fees, with conditional awards in the event of appeal;
- f. Pre-judgment interest at the highest rate permitted by law;
- g. Post-judgment interest from the judgment until paid at the highest rate permitted by law;

- h. Costs of court; and
- i. Such other and further relief, at law or in equity, to which Plaintiff may be entitled, whether by this Original Complaint or by any amendment hereto.

DATED: May 10, 2002.

Respectfully submitted,



KATRINA PATRICK

State Bar No. 00797218

ND: licensed

5177 Richmond Ave., Suite 1275

Houston, Texas 77056

Telephone: (713) 796-8218

Facsimile: (713) 960-0555

ATTORNEY FOR PLAINTIFF

FONDA DUSE